

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.749 Stopping nonresident for civil infraction; taking operator's or chauffeur's license as security for appearance; delivery of license to court, police chief, or authorized person; depositing driver's license and citation with court; contempt; arrest; guaranteed appearance certificate or deposit; answering before magistrate; return or retention of license; receipt; failure to deliver money deposited as embezzlement; default judgment; forfeiture of certificate or money deposited; "guaranteed appearance certificate" defined.

Sec. 749. (1) When a nonresident is stopped under section 742 for a civil infraction, the police officer making the stop shall take that person's operator's license or chauffeur's license as security for the nonresident's appearance in court and satisfaction of any order that may be issued under section 907 and shall issue to that person a citation as provided in sections 727c and 742. At or before the completion of his or her tour of duty, a police officer taking the operator's license or chauffeur's license shall deliver that license either to the court named in the citation or to the police chief or person authorized by the police chief to receive citations and operator's licenses and chauffeur's licenses. The police chief or person authorized shall deposit the license and citation with the court in the same manner as prescribed for citations in section 728a. Failure to deliver the license shall be considered contempt of court. If the person does not have an operator's license or a chauffeur's license in immediate possession in violation of section 301 or a license or the receipt described in section 311a in violation of section 311, the officer shall arrest that person under section 727(d).

(2) In lieu of the officer's taking of the license under subsection (1) or before appearance in court, the person stopped may recognize to the officer or to the court for his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed \$100.00.

(3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. Upon entry of an admission of responsibility for the civil infraction, with or without explanation, or upon completion of an informal hearing, the defendant's license shall be returned if judgment is entered for the defendant, if any adverse judgment entered against the defendant is satisfied, or if the defendant leaves with the court a guaranteed appearance certificate or a sum of money not to exceed \$100.00 as security for payment of any fines or costs ordered. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in section 747 but the defendant's license shall be retained by the court until final resolution of the matter unless the defendant leaves with the court the guaranteed appearance certificate or deposit as provided in subsection (2) as security for appearance at the scheduled formal hearing.

(4) The officer receiving a guaranteed appearance certificate or deposit of money under subsection (2) shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation required under subsection (1).

(5) At or before the completion of his or her tour of duty a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the citation, or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized shall deposit the certificate or the money deposited and the citation with the court in the same manner as prescribed for citations in section 728a. Failure to deliver the money deposited shall be embezzlement of public money.

(6) If the person who posts a certificate or deposit fails to appear as required in the citation or for a scheduled formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposited shall be forfeited and applied to any civil fine or costs ordered under section 907.

(7) For purposes of this section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed under section 907, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.